

Joseph G. Pia (9945)
Nathan S. Dorius (8977)
PIA ANDERSON DORIUS REYNARD & MOSS
222 South Main Street, Suite 1800
Salt Lake City, Utah 84101
Telephone: (801) 350-9000
Facsimile: (801) 950-9010
E-mail: joe.pia@padrm.com
nathan@padrm.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

INCENTIVE CAPITAL, LLC, a Utah Limited
Liability Company,

Plaintiff,

v.

CAMELOT ENTERTAINMENT GROUP,
INC., a Delaware Corporation; CAMELOT
FILM GROUP, INC., a Nevada Corporation;
CAMELOT DISTRIBUTION GROUP, INC.,
a Nevada Corporation, ROBERT P. ATWELL,
an individual; JAMIE R. THOMPSON, an
individual; STEVEN ISTOCK, an individual;
TED BAER, an individual; PETER
JAROWEY, an individual,

Defendants.

**OBJECTION TO NOTICE TO
SUBMIT REGARDING TED
BAER'S MOTION TO DISMISS
FOR LACK OF PERSONAL
JURISDICTION**

**AND MEMORANDUM IN
SUPPORT OF MOTION TO
PERMIT FILING OF OPPOSITION
TO MOTION TO DISMISS TODAY**

Civil No. 2:11-cv-00288-CW

Judge Clark Waddoups

Pursuant to Federal Rule of Civil Procedure 6(b), Plaintiff Incentive Capital, LLC
("Plaintiff" or "Incentive"), by and through its counsel, respectfully files this Objection to

Defendant Ted Baer's Notice to Submit and Memorandum in Support of Motion to Permit Filing of Opposition to Motion to Dismiss Today.

ARGUMENT

Defendant Baer is correct that Plaintiff requested five (5) days from the filing of the Answer by the Atwell Defendants to file a response to the above-referenced Motion to Dismiss. The Court granted this request [Dkt Entry No. 65]. Defendant filed a Motion to Reconsider [Dkt Entry No. 67]. Plaintiff filed an opposition to the Motion to Reconsider [Dkt Entry No. 71].

Yesterday, August 4, 2011 the Court considered the Motion to Reconsider and re-affirmed its prior ruling granting the extension [Dkt Entry No. 80]. Plaintiff's counsel has been out of the State on a family vacation this week and did not see the ruling until this morning, at which point Plaintiff also saw the Request to Submit.

In retrospect, Plaintiff sees that it could have acted more cautiously and filed its Opposition Memorandum on August 3, 2011 or even sooner, before the Court issued its Order on the Motion to Reconsider. Plaintiff may have made a mistake in this regard. Plaintiff's Opposition was already prepared and will be filed today. Plaintiff respectfully requests that since the Court had not yet ruled on the Motion to Reconsider until yesterday, and that Plaintiff's counsel was out of State and did not see the ruling until this morning, that the Opposition Motion be allowed to be filed today.

Federal Rule of Civil Procedure 6 permits an extension of time "on motion made after the time has expired if the party failed to act because of excusable neglect." Fed. R. Civ. P. 6(b)(1)(B). Plaintiff respectfully suggests that it failed to act because of excusable neglect and requests that it be allowed to file its Opposition today, one day after the Court's ruling.

CONCLUSION

For the forgoing reasons, Plaintiff requests that the Request to Submit be denied and that the Opposition to Motion to Dismiss that will be filed today, be considered by the Court.

DATED this 5th day of August, 2011.

PIA ANDERSON DORIUS REYNARD & MOSS

/s/ Joseph Pia
Joseph Pia

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2011, a true and correct copy of forgoing
**OBJECTION TO NOTICE TO SUBMIT REGARDING TED BAER'S MOTION TO
DISMISS FOR LACK OF PERSONAL JURISDICTION AND MEMORANDUM IN
SUPPORT OF MOTION TO PERMIT FILING OF OPPOSITION TO MOTION TO
DISMISS TODAY** was served by electronic mail on the following:

John A. Snow
Karen E. O'Brien
VAN COTT BAGLEY CORNALL & McCARTHY
jsnow@vancott.com
kobrien@vancott.com

Jonathan M. Levitan
jonathanlevitan@aol.com

Wayne G. Petty
MOYLE & DRAPER, P.C.
wayne@moylelawfirm.com

Marc E. Kasowitz
David J. Shapiro
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
mkasowitz@kasowitz.com
dshapiro@kasowitz.com

By: /s/ Joseph Pia